

Message Text

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ACTION EA-10

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FM AMEMBASSY SEOUL

TO SECSTATE WASHDC IMMEDIATE 9004

C O N F I D E N T I A L SEOUL 1930

E.O. 11652: GDS

TAGS: PINT, PFOR, KS

SUBJECT: ANTI-SLANDER LAW

REF: SEOUL 1876

1. MOFA AMERICAN AFFAIRS BUREAU DIRECTOR YI SANG-OK CALLED IN POL COUNSELOR MARCH 21 TO CLARIFY NUMBER OF POINTS IN RECENTLY PASSED ANTI-SLANDER LAW (REFTEL PARA 3).

2. YI SAID THAT ACCORDING TO MINISTRY OF JUSTICE INTERPRETATION, THE LAW WOULD NOT APPLY TO FOREIGNERS BUT ONLY TO KOREAN NATIONALS. HE SAID THAT WHILE KOREANS RESIDING ABROAD WOULD BE SUBJECT TO THE PROVISIONS OF THE LAW, THE GOVERNMENT WANTED TO MAKE IT CLEAR THAT ACTION WITH RESPECT TO VIOLATIONS OF THE LAW WOULD BE CARRIED OUT QUOTE ONLY INsofar AS THE CASES FALL WITHIN THE JURISDICTION OF THE ROKG UNQUOTE. ASKED IF THIS PROVISIO MEANT SUCH ACTION WOULD BE TAKEN ONLY WITHIN ROK TERRITORY, YI ANSWERED IN THE AFFIRMATIVE. ASKED WHETHER A KOREAN CITIZEN RESIDENT IN A FOREIGN COUNTRY COULD BE CHARGED WITH VIOLATIONS OF THE LAW ON HIS RETURN TO KOREA, YI SAID HE WAS UNABLE TO GIVE AN AUTHORITATIVE ANSWER.

3. ALONG SIMILAR LINES, ACTING FONMIN LHO SIN-YONG
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MARCH 20 SAID THAT IN RESPONSE TO CHARGE'S EARLIER EXPRESSIONS

OF CONCERN ON THESE POINTS HE HAD BEEN ASKED BY PRESIDENT TO
CONVEY TO CHARGE ASSURANCES THAT LAW WOULD NOT APPLY TO
FOREIGNERS AND THAT ROKG HAD NO INTENTION OF TRYING TO
EXERCISE ENFORCEMENT OF THE LAW OVERSEAS.

COMMENT: ROKG CLEARLY AT PAINS TO ASSURE US THAT LAW WILL
NOT LEAD TO HARASSMENT OF KOREAN CITIZENS RESIDENT IN
THE U.S. NEVERTHELESS, ONE OF BASIC PROVISIONS OF LAW IS
AIMED AT QUOTE SLANDER UNQUOTE OF ROK COMMITTED BY KOREANS
WHILE ABROAD. THUS, IF ROKG INTENDS STRICTLY TO APPLY LAW,
POSSIBILITY WOULD BE GREAT THAT ROK OFFICIALS IN US WOULD BE
ACTIVE IN GATHERING EVIDENCE OF ALLEGED VIOLATIONS OF LAW
AND IN CITING LAW AS MEANS OF SILENCING CRITICISM OF ROKG
AMONG US KOREAN COMMUNITY.
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